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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gerhard SIEMEISTER et al.

Examiner: Jon E. Angell

Serial No.: 09/887,527

Group Art Unit: 1635

Filed: June 25, 2001

Title: **COMBINATIONS AND COMPOSITIONS WHICH INTERFERE WITH
VEGF/VEGF AND ANGIOPOIENTIN/TIE RECEPTOR FUNCTION AND
THEIR USE (II)**

#8/K.T.
11/3
ELECTION

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Office Action mailed September 30, 2002, in which the Examiner has required restriction between Group I, namely claims 1-21 drawn to a pharmaceutical composition and Group II, namely claim 22 drawn to the use of the composition and further where the Examiner has requested election of a single disclosed subgroup together with a single small molecule.


Applicants hereby provisionally elect with traverse to prosecute the claims of Group I(claims 1-21). Clearly the pharmaceutical composition and uses thereof are related and there would be no excessive burden in examining uses of the patentable composition. Upon allowance of the elected claims, Applicants reserve the right to respectfully request rejoinder of the remaining claims.

Applicants further elect SEQ ID NO:34a as a single subgroup together with the single

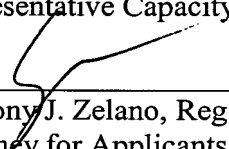
small molecule as disclosed in Table 1 on page 23 of the specification which is (4-Chlorophenyl) [4-(4-pyridylmethyl)-phthalazin-1-yl]ammonium hydrogen succinate.

No fee is believed to be due with this response, however, the Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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Representative Capacity



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